

June 4, 2004

APS-207

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUITC.A. No. 03-4864

28

GABRIEL I. PITTMAN, Appellant

vs.

FILED

KENNETH D. KYLER; ET AL.

(E.D. PA. CIV. NO. 02-CV-02825)

MICHAEL A. KUNZ, Clerk

Dep. Clerk

By

Present: SLOVITER, ROTH AND AMBRO, CIRCUIT JUDGES

Submitted is Appellant's application for a certificate of appealability under
28 U.S.C. § 2253(c)(1)

in the above-captioned case.

Respectfully,

Clerk

MMW/JDM/ar!

ORDER

The foregoing request for a certificate of appealability is denied, as Appellant has not made a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2); see Miller-el v. Cockrell, 537 U.S. 322, 336-37 (2003). In particular, jurists of reason could not debate that the District Court properly denied relief on the merits of Appellant's claims for essentially the reasons explained in its November 26, 2003, Memorandum Opinion.

A True Copy:

By the Court,

Marcia M. Waldron,
Clerk

/s/ Thomas L. Ambro,
Circuit Judge

Dated: July 16, 2004

ARL/cc: GIP; JLR